

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6764

BILL NUMBER: SB 287

NOTE PREPARED: Dec 27, 2005

BILL AMENDED:

SUBJECT: Restrictions on Video Games.

FIRST AUTHOR: Sen. Simpson

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill requires a video game retailer to place a warning label on violent or sexually explicit video games. It prohibits the sale or rental of a violent or sexually explicit video game to a child less than 18 years of age. It provides affirmative defenses if: (1) certain relatives of the child were involved in the sale or rental; (2) the child used false identification to buy or rent the video game; or (3) the video game was rated appropriate for children less than 18 years of age by the Entertainment Software Rating Board. The bill also provides an affirmative defense for a video game retailer if a sales clerk, knowing that the purchaser was less than 18 years of age, intentionally sold a violent or sexually explicit video game to an individual less than 18 years of age.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: The bill would create a Class C infraction for a video game retailer failing to affix an age label to a violent or sexually explicit video game, and a Class B infraction for selling, renting, or permitting another person to sell or rent a violent or sexually explicit video game to an individual less than 18 years of age. The bill also creates a Class B infraction for a sales clerk who knowingly or intentionally sells or rents a violent or sexually explicit video game to an individual under 18 years of age.

There are no data available to indicate how many video game retailers or sales clerks may be convicted of the various Class B and Class C infractions included in this bill. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment

for a Class B infraction is \$1,000 and for a Class C infraction is \$500. Judgements are deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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